

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARLO FALCHINI, Sr., et al., :
Plaintiff, :
v. : Case No. 03:12-cv-108-KRG-KAP
UNITED STATES OF AMERICA :
(Ebensburg Naval Operational :
Support Center), :
Defendant :
:

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 3, 2013, docket no. 17, recommending that defendant's motion to dismiss, docket no. 15, be granted in part and denied in part.

The parties were notified that, pursuant to 28 U.S.C. § 636(b) (1), they had fourteen days to file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

After review of the record and the Report and Recommendation, and noting the lack of objections thereto, the following order is entered:

AND NOW, this 6th day of January, 2014, it is
ORDERED that defendant's motion to dismiss, docket no.
15, is granted in part and the takings claim is dismissed. The
Report and Recommendation is adopted as the opinion of the Court.
The matter remains with the Magistrate Judge for further
proceedings.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Carlo Falchini, Sr.
Carlo Falchini, III
Francis Falchini, Jr.
Judette Falchini
834 W. High Street
Ebensburg, PA 15931